

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MILO JOHN MORENI,

Defendant.

Case No. CR-23-77-GF-BMM

AMENDED ORDER

Defendant Milo Moreni's (Moreni) Motion to Continue (Doc. 26) is now before the Court. Plaintiff has no objection.

Moreni requests the current trial setting of October 17, 2023, be continued for 60 days. (*Id.*) Moreni's brief in support of his motion (Doc. 16) states that additional investigation of both resolution and pretrial motions needs to be conducted to fully prepare this matter. The Government has produced discovery, much of which is marked "Sensitive," as well as audio and video files necessitating Mr. Moreni's review of these items with counsel. Additionally, Mr. Moreni plans to submit his application to GLACIER, the newly created drug court. The next screening meeting is not until late October. The work that needs to be undertaken to properly investigate, research pretrial motions, gather

materials relevant to possible resolution, and trial preparation cannot be accomplished within the current schedule. Additionally, the requested time is needed to determine Mr. Moreni's possible acceptance to GLACIER. Because of these factors a continuance is warranted.

A district court may grant a continuance and exclude the time period of the continuance from the calculation of the speedy trial date when “the ends of justice served by [the continuance] outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. §3161(h)(7)(A). In determining whether an “ends of justice continuance” is appropriate, a district court must consider, inter alia, whether the failure to grant the continuance will result in a miscarriage of justice; whether the case is so unusual or complex that it is unreasonable to expect adequate preparation within the time limits imposed by the Speedy Trial Act; and whether the case, while not complex or unusual, would nonetheless deny counsel the reasonable time necessary for effective reparation. *Id.* §3161(h)(7)(B). An “ends of justice continuance . . . must be specifically limited in time [and] must be justified on the record with reference to the facts as of the time the delay is ordered.” *United States v. Lloyd*, 125 F.3d 1263, 1268 (9th Cir. 1997). Any additional time is properly excluded under the Speedy Trial Act “only if the district court makes certain findings enumerated in [§

3161(h)(7)].” *Bloate v. United States*, 130 S. Ct. 1345, 1351 (2010).

Moreni is charged with Assault Resulting in Serious Bodily Injury, in violation of Title 18 U.S.C. §§ 1153(a) and 113(a)(6), 2111; and Assault Resulting in Substantial Bodily Injury to a Spouse or Dating or Intimate Partner, in violation of Title 18 U.S.C. §§ 1153(a) and 113(a)(7). The crime allegedly occurred on or about July 2, 2022, near Box Elder, within Hill County and in the State and District of Montana and within the exterior boundaries of the Rocky Boy’s Indian Reservation. If convicted, Moreni faces a maximum sentence of ten years of imprisonment.

A continuance of the trial is appropriate under 18 U.S.C. §§3161(h)(7)(A), (B)(I) and (B)(ii). The ends of justice served by a continuance outweighs the interests of the Defendant and the public in a speedy trial. The failure to grant a continuance would deny Moreni and his counsel the reasonable time necessary for effective trial preparation, resulting in a potential miscarriage of justice. Accordingly,

IT IS HEREBY ORDERED that Defendant’s Unopposed Motion to Continue Trial (Doc. 16) is **GRANTED**. **IT IS ALSO ORDERED** that the final pretrial conference and jury trial set for October 17, 2023, are **VACATED**.

The following schedule shall apply. The final pretrial conference is rescheduled for **Tuesday, December 12, 2023 at 8:30 a.m.** The parties are to report to the chambers of the undersigned. The jury trial is rescheduled for **Tuesday, December 12, 2023 at 9:00 a.m.** in the Charles N. Pray Courtroom at the Missouri River Federal Courthouse, Great Falls, Montana. The motions deadline is **November 13, 2023.** The plea agreement/notice of intent to proceed to trial deadline is **November 28, 2023.** Expert reports are due on or before **November 30, 2023.** The Jury Instructions and Trial Briefs are due by **December 5, 2023.**

All time between the date of this order and December 12, 2023, shall be excluded for purposes of speedy trial.

DATED this 11th day of October, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court